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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/440,645	11/16/1999	AVERY FONG	5244-0109-2	3214
22850	7590	10/03/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			LESNIEWSKI, VICTOR D	
		ART UNIT	PAPER NUMBER	
		2152		

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/440,645	FONG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Victor Lesniewski	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 11 July 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1,5-10,14-19,23-28 and 32-36 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1,5-10,14-19,23-28 and 32-36 is/are rejected.

7)  Claim(s) 25-27,35 and 36 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The amendment filed 6/10/2005 has been placed of record in the file.
2. Claims 1, 5, 6, 9, 10, 14, 15, 18, 19, 23, 24, 27, 28, 32, 33, and 36 have been amended.
3. Claims 2-4, 11-13, 20-22, and 29-31 have been canceled.
4. Claims 1, 5-10, 14-19, 23-28, and 32-36 are now pending.
5. The applicant's arguments with respect to claims 1, 5-10, 14-19, 23-28, and 32-36 have been considered but are moot in view of the following new grounds of rejection.

### ***Continued Examination Under 37 CFR 1.114***

6. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous office action has been withdrawn pursuant to 37 CFR 1.114. The applicant's submission filed on 7/11/2005 has been entered.

### ***Claim Objections***

7. Claims 25-27, 35, and 36 are objected to because of the following informalities:
  - Claims 25, 26, and 35 make claim to "a system," however, the claims from which they depend do not state a system and therefore these claims cannot be dependent on them. For the purpose of applying prior art it will be assumed that claims 25 and 26 make claim to a method and that claim 35 makes claim to a computer program product.

- Further, claim 35 makes claim to a system “according to Claim 24,” however it is assumed that this is a typographical error and that the claim should read “according to Claim 34.”
- Claims 27 and 36 are objected to due to their dependence on claims 25, 26, and 35.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 28 and 32-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Claim 28 recites the limitation “the target application” in line 15. There is insufficient antecedent basis for this limitation in the claim. Nowhere in claim 28 is there previous mention of a target application, making the scope of the claim unclear.

11. Claims 32-36 are rejected due to their dependence on claim 28.

#### ***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for

patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1, 7, 8, 10, 16, 17, 19, 25, 26, 28, 34, and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Miyachi (U.S. Patent Number 6,108,492).

14. Some claims will be discussed together. Those claims which are essentially the same except that they set forth the claimed invention as a method, a computer program product, or an alternative system are rejected under the same rationale applied to the described claim.

15. Miyachi has disclosed:

- <Claims 1, 10, 19, and 28>

A system comprising: an image forming device including an operation panel, the operation panel comprising a plurality of operations to be selected by a user (column 5, lines 27-32); a monitoring unit configured to monitor data of selecting of the plurality of operations of the operation panel by the user, and to generate a log of the monitored data (column 5, lines 57-65), the log of the monitored data being in a form of a map mapping each of key data in a key portion of the map to respective value data in a corresponding value data portion (columns 6-7, table 1); a communicating unit configured to receive the log of the monitored data, and to communicate the log of the monitored data (column 10, lines 36-42), and wherein the monitoring unit and communicating unit are self-contained in the image forming device prior to any initial external communication connection by the communication unit, and the monitoring unit is configured to generate the log of the monitored data without any initial external communication connection by the communicating unit (figure 2, item 110a and column 5, lines 57-65).

- <Claims 7, 16, 25, and 34>

A system according to Claim 1, wherein the key data and the value data in the map both contain string data (columns 6-7, table 1).

- <Claims 8, 17, 26, and 35>

A system according to Claim 7, wherein the value data portion includes plural vectors in which each vector includes an array of strings (columns 6-7, table 1).

Since all the limitations of the invention as set forth in claims 1, 7, 8, 10, 16, 17, 19, 25, 26, 28, 34, and 35 were disclosed by Miyachi, claims 1, 7, 8, 10, 16, 17, 19, 25, 26, 28, 34, and 35 are rejected.

***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 5, 6, 9, 14, 15, 18, 23, 24, 27, 32, 33, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyachi, as applied above, in view of Aikens et al. (U.S. Patent Number 5,414,494), hereinafter referred to as Aikens.

18. Miyachi disclosed a multifunction peripheral that monitors and stores its status information and reports it to a host computer. In an analogous art, Aikens disclosed a method for automatically notifying a remote device in response to certain machine conditions of a peripheral.

19. Concerning claims 5, 6, and like claims, Miyachi did not explicitly state such status conditions as a user exiting operation or a number of sessions to be executed. Miyachi sets forth a multitude of status conditions that are monitored by his multifunction peripheral but the majority of them are directed to mechanical properties of the apparatus. However, Aikens does explicitly disclose the certain status conditions as claimed as his system is more focused on setting status conditions directly related to the user's session with the machine. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Miyachi by adding the ability to utilize such status conditions as a user exiting operation or a number of sessions to be executed as provided by Aikens. Here the combination satisfies the need for the ability to quickly alert a technician at a remote location of a certain status of a peripheral. See Miyachi, column 3, lines 35-42.

20. Concerning claims 9 and like claims, Miyachi did not explicitly state communicating the log of the monitored data by Internet mail. However, Aikens does explicitly disclose this feature as his system provides for the use of email between the peripheral and the remote location. Furthermore, it is noted that although Aikens does not explicitly state use of the Internet, the ability to transfer email over the Internet was well known at the time of the applicant's invention and it would have been a clear extension to the system of Aikens to simply send his email using the Internet. Thus, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Miyachi by adding the ability to communicate the log of the monitored data by Internet mail as provided by Aikens. Again the combination satisfies the need for the ability to quickly alert a technician at a remote location of a certain status of a peripheral. See Miyachi, column 3, lines 35-42.

21. Thereby, the combination of Miyachi and Aikens discloses:

- <Claims 5, 14, 23, and 32>

A system according to Claim 1, wherein the communicating unit sends the log of the monitored data when the user exits operating the image forming device (Aikens, column 8, lines 24-31).

- <Claims 6, 15, 24, and 33>

A system according to Claim 1, further comprising a setting unit configured to set a number of sessions of the image forming device to be executed by the user prior to the communicating unit communicating the log of the monitored data (Aikens, column 8, lines 24-31).

- <Claims 9, 18, 27, and 36>

A system according to any one of Claims 5-8, wherein the communicating unit communicates the log of the monitored data by Internet mail (Aikens, column 6, lines 33-41 and figure 5, items 11 and “Mail”).

Since the combination of Miyachi and Aikens discloses all of the above limitations, claims 5, 6, 9, 14, 15, 18, 23, 24, 27, 32, 33, and 36 are rejected.

### *Conclusion*

22. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

- Ito (U.S. Patent Number 5,373,349) disclosed a copying machine control system where the machine transmits data relating to a trouble condition to a centralized control unit.

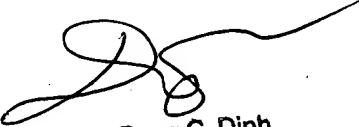
- Smith et al. (U.S. Patent Number 6,601,159) disclosed an integrated information support system that provides users with access to specific video and audio information and is integrated with the normal control functions of a copier system.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Victor Lesniewski  
Patent Examiner  
Group Art Unit 2152

  
Dung C. Dinh  
Primary Examiner